

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VICTOR WAYNE COOPER,

No. C-02-3712 JSW (JCS)

Plaintiff(s),

**REPORT AND RECOMMENDATION
RE MOTION OF TROY ROSENTHAL
[Docket No. 199]**

v.

THE STATE OF CALIFORNIA, ET AL.,

Defendant(s).

An inmate at the California Institution for Men, West Facility, under the California Department of Corrections and Rehabilitation ("CDCR"), has filed a letter with the Court in this action expressing dissatisfaction with CDCR's Kosher Diet Program. [Docket No. 199]. The Court construes the letter as a motion to compel compliance with the settlement agreement that was entered in this action ("the Motion"). The Motion was referred to the undersigned Magistrate Judge for a Report and Recommendation. It is recommended that the Motion be denied without prejudice on the basis that the Court's continuing jurisdiction over the settlement agreement was terminated in an order dated January 9, 2007 [Docket No. 170], adopting the Report and Recommendations of the undersigned magistrate judge dated December 18, 2006 [Docket No. 162]. Any legal challenges Mr. Rosenthal seeks to assert regarding the Kosher Diet Program may be asserted in a complaint filed in the appropriate jurisdiction and in compliance with any exhaustion requirements that may apply to such claims.

Dated: August 11, 2011


JOSEPH C. SPERO
United States Magistrate Judge